



புதுச்சேரி மாநில அரசிதழ்

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SOMMAIRES

CONTENTS

பக்கம்	Page	Page
தொழில் நீதிமன்றத் தீர்ப்புகள்.. .. 334 Sentence arbitral du travail 334 Award of the Labour Court 334 de tribunal.		
அரசு அறிவிக்கைகள் 341 Notifications du Gouvernement 341 Government Notifications 341		
ஓப்ப அறிவிப்பு 343 Avis d'Adjudication 343 Tender Notice 343		
சாற்றறிக்கைகள் 344 Annonces 344 Announcements 344		

GOVERNMENT OF PUDUCHERRY

LABOUR DEPARTMENT

(G.O. Rt. No. 39/AIL/Lab./T/2020,
Puducherry, dated 17th March 2020)

NOTIFICATION

Whereas, an Award in I.D. (L) No. 16/2014, dated 10-01-2020 of the Industrial Tribunal, Puducherry, in respect of the industrial dispute between the management of M/s. NTS Paper Mills Ltd., Karasur, Puducherry and Thiru Manickam, Puducherry, over non-employment has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-05-1991, it is hereby directed by the Secretary to Government (Labour) that the said Award shall be published in the Official Gazette, Puducherry.

(By order)

S. MOUTTOULINGAM,
Under Secretary to Government (Labour).

**BEFORE THE INDUSTRIAL TRIBUNAL AT
PUDUCHERRY**

Present : Thiru V. PANDIARAJ, B.Sc., L.L.M.,
Presiding Officer.

Friday, the 10th day of January, 2020.

I.D. (L) No. 16/2014

Thiru V. Manickam . . Petitioner

Versus

The Managing Director,
M/s. NTS Paper Mills Ltd.,
Karasur, Puducherry. . . Respondent

This industrial dispute coming on 09-01-2020 before me for final hearing in the presence of Thiru B. Mohandoss, Counsel for the petitioner, and Thiru R. Chandrasekaran, Counsel for the respondent, upon hearing, upon perusing the case records, after having stood over for consideration till this day, this Court passed the following:

AWARD

1. This Industrial Dispute has been referred by the Government of Puducherry as per the G.O. Rt. No. 35/ AIL/Lab./J/2014, dated 06-04-2014 for adjudicating the following:-

(a) Whether the dispute raised by Thiru V. Manickam against the management of M/s. NTS Paper Mills, Karasur, Kadaperikuppam Post, Puducherry, over non-employment is justified? If justified, what relief he is entitled to?

(b) To compute the relief if any, awarded in terms of money if, it can be so computed?

2. *The brief averment of the petition filed by the petitioner:-*

(i) Originally this petitioner was appointed as Electrician on 07-09-2014 in Diamond Paper and Board Mills Pvt. Ltd., thereafter, it was taken over by the present management. Subsequently, this petitioner was also taken over by the present management and his employment was confirmed by its letter, dated 15-10-1997 with gross emoluments of ₹ 1,450 per month. This petitioner has discharged his duty as an Electrician before this respondent in a sincere and honest manner without any black mark. While so, the respondent management has issued a show-cause notice, dated 16-05-2009 wherein, it has alleged that this petitioner is having a habit of attending duty after consuming alcohol which posed threat to safety of life. It further alleged that this petitioner used to have quarrel with co-employees and supervisors on many occasions. Further, in the charge-sheet it was alleged that this petitioner was warned and pardoned on many occasions for his misconduct and inspite of that there was no change in the behavior of this petitioner.

(ii) Further, in the charge-sheet it was alleged that on 18-04-2009 at about 10.00 a.m. this petitioner entered the company premises under drunken condition and abused filthy words against the Managing Director of the company in the presence of workman and also indulged in quarrel. The workman who witnessed the occurrence submitted a letter to the management for necessary action against this petitioner. It is further alleged that on 24-04-2009, this petitioner and his wife met the Managing Director and tendered apology letter for his mistake and gave assurance to that effect that he would not indulge in any such activity in drunken condition and he would discharge his duty properly. It was also stated in the charge-sheet, that on 25-04-2009 this petitioner under drunken condition, had threatened the security person by name Ajay and obtained

signatures and seals from him with ulterior motive. This petitioner has given his explanation, dated 20-05-2009 to the charge-sheet, dated 16-05-2009 wherein, he has denied all the charges and also pointed out that it was a colourable exercise of power, as he has find out the false and the unjustified acts of the respondent management. The respondent management has sent the notice of enquiry and the order of suspension on 27-05-2009 stating that he was not satisfy in the explanation and it has also stated that the date, time, place and the name of the Enquiry Officer would be intimated later. It has also stated in the suspension order that it will disbursed the subsistence allowance for the suspension period. But, the respondent management failed to intimate the details of domestic enquiry and also failed to pay the subsistence allowance to this petitioner and it has not sent any communication in this regard.

(iii) This petitioner made a representation before the Labour Commissioner, Puducherry on 18-12-2009 pointing out the other things and the non-payment of subsistence allowance and the non-conducting of domestic enquiry against the charges levelled against him. The Labour Commissioner, Puducherry held a meeting in this regard on 25-01-2010 and directed the respondent management to pay the subsistence allowance to this petitioner for the period from 01-04-2009 to 27-05-2009. However, the management failed to pay the same and hence, the Certifying Officer has issued the order, dated 15-10-2010 and directed this petitioner to approach the Hon'ble Court for the necessary remedy. Even then, the respondent management continued its unlawful and unjustified act against this petitioner which caused much hardship to this petitioner to run his family and hence, this petitioner approach the Labour Officer (Conciliation) regarding his non-employment through his petition, dated 23-01-2012 against the respondent management. The respondent management failed to file any reply before the Conciliation Officer, on the other hand it has assured before the Conciliation Officer, that the dispute will be settled as soon as possible and thereby drag on the matter. Finally, the conciliation proceeding comes to an end with its failure report, dated 19-09-2013.

(iv) The respondent management failed to provide employment to this petitioner on the ground of disciplinary proceedings as well as on pending suspension enquiry in gross violation of labour legislations and also against the principles of natural justice. The management has failed to pay not even a pie after the suspension order, dated 27-05-2009. It was against the provisions of Industrial Employment

(Standing Oders) Act 1946, this petitioner was unable to defend his case and he was not able to run his family and the management has purposely dragged the matter and thereby caused hardship to this petitioner without any justification. It has exercised its power in an arbitrary manner and it has not commenced domestic enquiry proceedings without any justification. The respondent management not even appointed the Enquiry Officer towards the domestic enquiry proceedings. It has initiated the disciplinary proceedings in oblique intention. The concept of fair hearing was violated by non-conducting the enquiry for a years together. By the unlawful act of the respondent this petitioner has lost his employment and wages. The respondent management is enjoying the undue advantages for its own wrong. The management has to prove the allegations in the charge-sheet, dated 16-05-2009 strictly in accordance with law. Due to the act of this respondent the petitioner's life has become miserable and he was not able to maintain his family and himself, and it has caused heavy dept to this petitioner. That this petitioner suffered physically and mentally and therefore, he becomes entitled to claim damages to the tune of ₹ 5,00,000. Therefore, this petitioner prays to allow this application and prayed to pass an award by declaring the charge-sheet 16-05-2003 is *null and void*, to declare the suspension, dated 27-05-2009 as illegal, awarding damages to the tune of ₹ 5,00,000 and directing the respondent to reinstate this petitioner with full back wages and continuity of service an all other attendant benefits.

3. The brief averment of the counter filed by the respondent:-

(i) The respondent denied all the allegations except those are specifically admitted. The respondent denied the allegations of discharge of duties by this petitioner in a very sincere and honest manner and without any black mark. This respondent admitted the issuance show-cause notice, dated 16-05-2009 with the allegations against this petitioner. The industrial dispute is raised by this petitioner with false and frivolous allegation and hence, it is not maintainable either in law or on facts and it was lack of *bona fides* and merits and hence, it has to be dismissed in limine. The allegations against the respondent management mentioned in the claim statement are utter false, baseless, concocted and purposely invented for the purpose of the present industrial dispute. This petitioner was in the habit of attending duty after consuming alcoholic drinks which posed threat to safety of his life. This petitioner used to loiter in the factory without attending duty and used to sleep in the working place in the working hours itself.

(ii) Further, he used to enter into quarrel, under drunken condition, with the co-employees and supervisors. When the employees questioned the same the petitioner used to threatened them with dire consequences stating that he is from local Village and well known to the Managing Director of the company and no one should questioned him about his attitude. Further, he used to avoid the emergent work as to the electrical shutdown. The respondent management has given so many warnings and pardon to this petitioner, but, this petitioner did not change his behavior and misconduct. The co-workers, supervisors apprehend unsafety due to this petitioner. This petitioner used to come to the duty under drunken condition and used to enter the premises forcibly by pushing down the security personnel also. Likewise, on 18-04-2009 at about 10.00 a.m. this petitioner forcible entered the company premises under the drunken condition and when he was questioned by the security persons about his drunken condition at the time entry to the duty, he pushed them down by necking the security personnel. The Manager of the respondent company questioned this petitioner about his rudely behavior and this petitioner intimidated the Manager with filthy languages. Further, this petitioner having stated that he and the MD of the company studied together in the same school and hence, no one should questioned him. Further, this petitioner abused the MD of the company with the filthy languages in the presence of the workers. The co-workers, Supervisor and Manager of the company afraid of it, has given complaint before the management also. The mis-behavior, misconduct, atrocity, ruthless and indiscipline act of the petitioner in the factory causes heavy monetary and production loss to the respondent company, which resulted in the issuance of charge-sheet, dated 16-05-2009 to this petitioner for his grave misconduct. This petitioner gave evasive, false and unsatisfactory to the reply on 20-05-2009 to the charge-sheet, dated 16-05-2009.

(iii) The respondent management has decided to conduct domestic enquiry against this petitioner and it has issued the suspension order with effect from 27-05-2009. Under these circumstances, this petitioner approached the Labour Commissioner, Puducherry with false pretext of non-payment of subsistence allowance and non conducting of domestic enquiry. Eventhough this petitioner indulge in all sorts of mis-behavior, this respondent agreed to pay the subsistence allowance in the meeting held on 25-01-2010 before the Certifying Officer/Labour Commissioner, Puducherry. The respondent did not

pursue for any disciplinary action by way of conducting domestic enquiry with good hope to give one more opportunity to this petitioner to change his attitude and to give employment to him by pardoning him as a gesture of his acquaintance on account of his study with the MD of the respondent company in the same school. But, all of sudden, this petitioner made a representation before the Conciliation Officer by raising dispute for his non-employment. Even in the Conciliation also this respondent agreed to settle the issue with humanitarian thought.

(iv) In this back drop, on 2010-2013 this petitioner along with his wife met the MD at No. 211, Chetty Street, Puducherry and stated that he was not willing to continue the service due to his acute ill- health and he was ready to resign his job and willing to receive the service benefits from the management. Further, he stated that he will not pursue before the Conciliation Officer/Labour Court regarding the issue of non-employment and accordingly he has given a resignation letter, dated 20-10-2013 signed by him and his wife. He received a sum of ₹ 75,000 towards full and final settlement of his service benefit as and *ex gratia* under voucher, dated 20-10-2013. Thus, he received all the retrial benefits from the management on the same day itself. Further, he received ₹ 4,500 towards subsistence allowance. Since, employment of this petitioner with the respondent management comes to an end on 20-10-2013 itself, by virtue of his resignation letter, this petitioner is not entitle for any relief as he prayed in the claim statement. This petitioner suppressed the real facts and without any iota of truth filed the claim statement with ulterior motive to get undue advantages. Due to the petitioner acquaintance *in lieu* of their study in the same school with the MD of the respondent management, the respondent did not take serious action under humanitarian ground for his misconduct. But, this petitioner misused the above said humanitarian thought for extracting money from this respondent by way of raising this vexatious industrial dispute. In view of the abovesaid facts, this industrial dispute becomes liable to be dismissed in toto and hence, it has to be dismissed with cost.

4. On the side of the petitioner four witnesses were examined and Ex.P1 to Ex.P18 was marked. On the side of the respondent only one witness was examined and Ex.R1 to Ex.R5 was marked.

5. The petitioner side Counsel argued that the petitioner was employed as an Electrician in the respondent company and he was charge-sheeted on 16-05-2009 with false allegations. It is further argued that

this petitioner has given reply on 20-05-2009 and then he has been suspended on 27-05-2009. The petitioner side Counsel further argued that though the suspension was order was issued on 27-05-2009, no enquiry was conducted till date and this petitioner was put into hardship without any employment by the management will fully. It is further argued that the respondent has not paid subsistence allowance to this petitioner. Further, it is argued that the allegations of apology letter, dated 24-04-2009 and the allegation of assault on the security person by name Ajay on 25-04-2009 was not proved by the management. Further, it is argued that the Manager by name Muralidharan has no authority to appoint anybody, and hence, the suspension order issued by the management on 27-05-2009 through him is also invalid. Further, it is argued by the petitioner Counsel that the management has failed to produce earlier records regarding the allegations of drunken condition of this petitioner and the warning, pardoning memos issued by the management. It is also argued by the petitioner Counsel that the management has failed to produce the certified standing order and hence, it is not possible to come to the conclusion whether the so called act of this petitioner come under the caption of misconduct. The petitioner side Counsel argued that the management has agreed to pay the subsistence allowance as per the order of the Certifying Officer, but, it has failed to comply the same. It is argued that all these act of the management amounts to clear violation of labour legislation and hence, this petitioner was entitle for the prayers in the claim statement. The petitioner side Counsel argued that Ex.R1 to R3 was created for the purpose of this case and they should not be taken into consideration for any purpose of this case. It is further argued by the petitioner Counsel that since the letter, dated 20-10-2013 stated that this petitioner resigned his job on 01-11-2010, it can be easily presumed as a created document. It is further argued that since, the petitioner was under suspension from 27-05-2009 without any genuine reasons and without domestic enquiry, he has to be reinstated with full back wages along with other prayers that he prayed in the claim statement.

6. The respondent side Counsel has filed the written argument on behalf of the management, wherein, it is stated that since, the petitioner has voluntarily resigned his job from 01-11-2010 by his letter, dated 20-10-2013, he cannot claim anything before this Court. It is further stated in the written argument that this petitioner was not subjected to domestic enquiry proceeding on humanitarian ground and on the ground of his relationship with the MD of the company as a school mate in the same school. It is further stated in the written

argument that this petitioner has misused the humanitarian ground shown by the management towards this petitioner and thereby attempted to grab something from this management and with this intention this industrial dispute has been raised before this Court and hence, it has to be dismissed.

7. Points for consideration:

Whether the charge-sheet, dated 16-05-2009 and the suspension order, dated 27-05-2009 are to be declared as *null and void* and invalid? whether this petitioner was entitle for the prayer of seeking ₹ 5,00,000 towards damages? and whether he was entitle for reinstatement with full back wages with all other monetary benefits are to be decided in this case.

8. On the Point:

The petitioner was an employed under the respondent company and he was charge-sheeted as per the charge-sheet, dated 16-05-2009 and he was suspended from his service on 27-05-2009 and the non-conducting of domestic enquiry are all admitted facts on both sides.

9. The charge-sheet was marked as Ex.P7 in this case, wherein, it has been alleged that this petitioner was a drunkard, having the habit of attending the duty under drunken condition. The second allegation in the charge-sheet was that on 18-04-2009 at about 10.00 a.m this petitioner has entered into the company premises and he has used filthy language against the MD in the presence of the other workman. It is further alleged that the co-employees has given complaint against this petitioner for suitable action. In continuation of this, it is alleged that this petitioner and his wife by name Sulochana met the MD of the company and has given apology letter on 24-04-2009. Thirdly, it was alleged that this petitioner under drunken condition entered into the respondent company on 25-04-2009 and he has harassed and threatened the security person by name Ajay and this petitioner has obtained seal and signatures from the security person with an ulterior motive. The petitioner has pleaded and deposed that no such occurrence took place either on 18-04-2009 and 25-04-2009. To substantiate this evidence has also examined PW.2 to PW.4. Further, PW.1 and PW.2 has deposed that they have not given any apology letter on 24-04-2009 as alleged in the counter. They have categorically denied the suggestions made in this regard during their cross-examination also. They have deposed that on 24-04-2009, the respondent/management has obtained their signature in blank papers and vouchers

under threat, while they approached the management for March 2009 salary. Therefore, the pardon of proving the abovesaid aspect of incident on 18-04-2009, 25-04-2009 and the factum of filing of apology letter on 24-04-2009 has to be proved by the management itself. In this regard, RW.1 has deposed that on 18-04-2009 at about 10.00 a.m., the petitioner forcibly entered in the company premises in the drunken condition by necking the security person at the time of his entry. RW.1 has further deposed that the Manager of the company questioned the rudely behavior of the petitioner and at that time this petitioner criminally intimidated the Manager with filthy languages and also stated that no one should questioned him for anything. It is further deposed by him that this petitioner has stated that he and the MD studied in the same school and hence, no one should questioned him. It is also stated in the evidence of RW.1, that this petitioner has abused with filthy languages against the MD of the company in the presence of the workers. He has further deposed that the rudely behavior of the petitioner has caused heavy loss to the company. As per the evidence of RW1, the incident alleged to be took place on 18-04-2009 in the presence of the other workers. But, no other worker was examined to substantiate this evidence. Further, the copy of the complaint by co-workers was also not marked. Further, as per Ex.R7 Charge sheet, the co-workers said to have given complaint in this regard on 18-04-2009, but, in this regard RW.1 has not deposed anything in his oral evidence before this Court *i.e.*, he has not deposed anything regarding the complaint given by the other workers on 18-04-2009. Therefore, the allegation of forcible entry of the petitioner under drunken condition on 18-04-2009 and the use of filthy language against the MD in the presence of the other workers found to be not true. Further, no documents were produced to show this petitioner as a drunkard.

10. As per the charge-sheet, dated 16-05-2009 issued by the respondent management, this petitioner and his wife has given an apology letter on 24-04-2009 and seek pardon from the respondent management. But, the respondent has not pleaded anything in this regard in their counter. If, at all this petitioner and his wife gave an apology letter on 24-04-2009 for the incident that was alleged to be taken place on 18-04-2009, then this respondent could very well pleaded the same and produce the letter of apology, dated 24-04-2009 before this Court. But, it was not done so. The failure of non-production of apology letter, dated 24-04-2009 by the management shows that the allegation against this petitioner regarding the incident on 18-04-2009 is found to be baseless and unguenuine.

11. Thirdly it was alleged in the charge-sheet that this petitioner forcibly entered into the factory premises under drunken condition on 25-04-2009 and obtained seals and signature from the security person by name Ajay by harassing him and threatening him. To substantiate his evidence, the management has failed to examine the so called security person by name Ajay. Further, it has not received any complaint from the security person by name Ajay in this regard, which shows that the incident alleged to took place on 25-04-2009 also found be a false one.

12. At this juncture, the petitioner's wife (PW.2) deposed that on 24-04-2009 at about 08.45 p.m. she and her husband met the MD of the Mill for the purpose of getting her husband salary for the month of March 2009 and at that time, the MD by name Sambath, Kasilingam and Muralidharan has obtained signatures on two blank vouchers, on two white papers and in one empty bond paper. She further deposed that all the papers are empty and blank. She further deposed that the signatures were obtained under threat. She further deposed that to save the life and employment of her husband she agreed to sign the papers. She further deposed that driver Loganathan of the respondent/management entered into the room and he obtained the signatures in the empty papers and vouchers as referred above. Therefore, it seems that this petitioner and his wife signed in the empty papers and vouchers and not given any apology letter on 24-04-2009. Furthermore, PW.1 and PW.2 has sent a complaint in this regard and seeks explanation from the management *vide* Ex.P5, P6 and P16.

13. At this juncture, this Court inclined to go through the evidence of RW.1, wherein, he has deposed that on 20-10-2013 this petitioner and his wife by name Sulochana came to the Office of the MD and stated that this petition is not willing to continue his service due to his acute ill-health and they have given resignation letter and willing to receive the service benefit from the management. If, at all this evidence is true, then the resignation letter must contained side initials of the office bearers of the respondent management. Further, it may also contained the date seal of the management to show the receipt of the same on 20-10-2013. But, on perusal of Ex.R1, the so called resignation letter, dated 20-10-2013 signed by the petitioner and his wife did not contain any seal or signature. It proves that the so called letter, dated 20-10-2013, as a created one for the purpose of this case. Further, this Court was able to presume that the abovesaid resignation letter, dated 20-10-2013 was prepared with the help of the signed blank papers obtained from the petitioner and his wife on 24-04-2009. Similarly, Ex.R2 and R3 also found to be

created from and out of the signatures obtained on blank vouchers on 24-04-2009. Therefore, the allegation of voluntary resignation by this petitioner is found to be untrustworthy.

14. Furthermore, on perusal of Ex.R1, the resignation letter, dated 20-10-2013, it is stated that this petitioner has resigned his job from 01-11-2010. It shows that, even for the argument sake also, this document cannot be considered to be a true and trustworthy one. Therefore, this Court has clear doubt over the document, dated 20-10-2013 marked as Ex.R1 and the subsequent documents such as Ex.R2 and R3 also. In fine, this Court considers Ex.R1 to R3 as created document for the purpose of this case.

15. At this juncture, PW.2 has deposed that the respondent authorities had obtained signatures on blank papers and vouchers on 24-04-2009. She has further deposed on they have put their signatures to save the life and employment of his husband. She has further deposed that even after signing the empty papers, wages were not paid and therefore, she has suggested her husband to send a letter to the respondent to requesting them to sent copies of the documents with the contents written there on above their signatures. She deposed that her husband has written a letter, dated 25-04-2009 to the respondent and she also signed the same and it was handed over to the security person of the respondent mill gate and they have obtained the acknowledgment for the same from the security person on 25-04-2009. In order to, substantiate this evidence, the petitioner has marked Ex.P16, dated 25-04-2009 through the evidence of PW2. Further, it was also supported by Ex.P5 and P6. But, RW.1 has deposed that this petitioner has forcibly entered into the gate on 25-04-2009 and obtained seal and signature from the security person by name Ajay. But, to substantiate this part of evidence the respondent management has not examined the so called security person by name Ajay. Hence, on analyzing the evidence of PW.2, RW.1 and Ex.P16, this Court come to the conclusion that this petitioner and his wife was compelled to give signatures on blank papers and vouchers and which was utilize by the respondent management to create document, dated 20-10-2013.

16. PW.1 has deposed that no domestic enquiry was conducted from 27-05-2009 to till date in order to harass this petitioner. Further, he has deposed that the respondent management has failed to give subsistence allowance even after the order was passed by the Labour Commissioner/Certifying Officer. He has also deposed that though this respondent has agreed to pay the subsistence allowance on the meeting held on

25-01-2010 before the Labour Commissioner, he has failed to comply the same. He has further deposed that he has approached the Labour Commissioner, Puducherry on 18-12-2009. To substantiate this aspect he has filed Ex.P9, letter to the Commissioner, Labour Department, Puducherry, dated 18-12-2009. He has further deposed that the respondent agreed to pay the subsistence allowance on the meeting held on 25-01-2010. It was also admitted by the respondent management. Tha petitioner has deposed that even after the assurance given before the Labour Commissioner, Puducherry on 25-01-2010, the respondent has failed to comply the same and he has obtained an order on 15-03-2010 in this regard, from the Certifying Officer. In order to substantiate this evidence he has produced Ex.P11, dated 15-03-2010, order of the Certifying Officer. He has further deposed that he has approached the Labour Commissioner, Puducherry again on 23-01-2013 and to substantiate this evidence he has produced Ex.P12, dated 23-01-2013. Further, he has deposed that he has sent reminder letter to the Labour Commissioner on 26-02-2013 and to substantiate this evidence he has produced Ex.P13, dated 26-02-2013, letter to the Labour Commissioner, Puducherry. Further, he has deposed that he has approached the Conciliation Officer on 23-01-2012 and it ends in vain and the failure report was given on 19-09-2013. To substantiate this evidence he has produced the failure report, dated 19-09-2013 as Ex.P15. From and out of these evidence and documents it is clear that this petitioner was kept under suspension from 27-05-2009 to till date i.e., as nearly as 10 years and more. Furthermore, it shows that this petitioner in the battle and faced hard struggle, for more than 10 years for his subsistence allowance and for reinstatement. RW1 has deposed that on humanitarian ground and with good hope to give one more opportunity to the petitioner to change his attitude and to give employment to him by pardoning him as a gesture of his acquaintance on account of his study with the MD of the respondent management in the same school, the management did not pursue any disciplinary action by way of conducting domestic enquiry. The evidence of RW1 in this regard seems to be utter false one and unable to be accepted genuine one. Keeping a poor man of an Electrician under suspension for more than 10 years without any domestic enquiry under the guise of classmate of MD is nothing but, a colourful exercise of victimization and harassment by the management. Furthermore, the management has obtained the signatures from the petitioner and his wife on 24-04-2009 and make use of the same for their convenience to prepare the resignation letter, dated 20-10-2013. Therefore, this Court comes to the conclusion that the petitioner is entitle for all the relief that he claimed in the claim petition.

17. In the result, the order of suspension, dated 27-05-2009 issued by the management is declared as invalid, the charge-sheet, dated 16-05-2009 is declared as *null and void*, and the petitioner is entitled to get damages of ₹ 5.00,000 and he was also declared to be entitled to get reinstatement with full back wages and all other attendant benefits and the industrial dispute raised by the petitioner against the management is decided as justified one and hence this ID is allowed with cost.

Dictated to Stenographer, transcribed by him, corrected and pronounced by me in the open Court on this the 10th day of January, 2020.

V. PANDIARAJ,
Presiding Officer,
Industrial Tribunal-cum-
Labour Court, Puducherry.

List of petitioner's witnesses:

PW.1 — 10-05-2017 Manickam

PW.2 — 07-08-2017 Sulochana

PW.3 — 08-09-2017 Anbuchezhian

PW.4 — 19-09-2017 Jayakumar

List of petitioner's exhibits:

Ex.P1 — 15-10-1997 Copy of letter of Confirmation of Service, dated 15-10-1997 issued by the Diamond Paper and Board Mills Pvt. Ltd. to the petitioner.

Ex.P2 — Copy of Identity Card of the petitioner issued by the Enteeeyes Paper and Board Mills (P) Ltd.,

Ex.P3 — 12-11-2007 Copy of ESI Identity Card of the petitioner.

Ex.P4 — Copy of Salary Slip of the petitioner for the month of May 2002 issued by the respondent.

Ex.P5 — 25-04-2009 Copy of the letter submitted by the petitioner and his wife to the respondent.

Ex.P6 — 27-04-2009 Copy of the letter submitted by the petitioner to the Labour Commissioner, Puducherry.

Ex.P7 — 16-05-2009 Copy of the show-cause notice sent by the respondent to the petitioner.

Ex.P8 — 27-05-2009	Copy of letter of Suspension-cum-Enquiry sent by the respondent to the petitioner.
Ex.P9 — 18-12-2009	Copy of letter submitted by the petitioner to the Labour Commissioner, Puducherry.
Ex.P10 — 09-02-2010	Copy of Notice sent by the Certifying Officer, Labour Department, Puducherry to the respondent with copy to the petitioner.
Ex.P11 — 15-03-2010	Copy of Order passed by the Certifying Officer, Labour Department, Puducherry referring the dispute raised by the petitioner against the respondent to the Labour Court, Puducherry.
Ex.P12 — 23-01-2013	Copy of letter submitted by the petitioner to the Labour Commissioner, Puducherry regarding non-payment of subsistence allowance.
Ex.P13 — 25-02-2013	Copy of letter submitted by the petitioner to the Labour Commissioner, Puducherry regarding non-payment of subsistence allowance.
Ex.P14 — 15-03-2013	Copy of Notice of enquiry/conciliation sent by the Labour Officer (Conciliation) to the petitioner with copy to the respondent.
Ex.P15 — 19-09-2013	Copy of report of failure of conciliation, submitted by the Labour Officer (Conciliation) to the Secretary to Government (Labour).
Ex.P16 — 25-04-2009	True copy of the letter sent by the petitioner to the respondent and signed by the PW.2 also containing the acknowledgment for receipt of the same by the respondent mills on the reverse of the same.
Ex.P17 —	True copy of the ESI Card bearing No. 13860489.
Ex.P18 —	True copy of the EPF Scheme Certificate and covering letter, dated 03-06-2016 issued by the Employees' Provident Fund Organization to Jayakumar.

<i>List of respondent's witness:</i>	Ex.R3 — 20-10-2013	Cash Voucher, dated 20-10-2013 for an amount of ₹ 4,570.
RW.1 — 06-11-2017 Soundarajan	Ex.R4 — 05-10-2017	Board Resolutions.
<i>List of respondents exhibits:</i>	Ex.R5 — 06-10-2017	Power of Attorney Deed.
Ex.R1 — 20-10-2013 Resignation letter, dated 20-10-2013.	V. PANDIARAJ, Presiding Officer, Industrial Tribunal-cum-Labour Court, Puducherry.	
Ex.R2 — 20-10-2013 Cash Voucher, dated 20-10-2013 for an amount of ₹ 75,000.		

**GOVERNMENT OF PUDUCHERRY
CHIEF SECRETARIAT (AGRICULTURE)**

(G.O. Ms. No. 2/Agri., Puducherry, dated 30th April 2020)

ORDER

Administrative approval of the Lieutenant-Governor, Puducherry, is hereby conveyed for the Addendum of the following Crops and Notified Area in Karaikal region and continued under Sl. No. 292 in the Annexure to the G.O. Ms. No. 29/Agri., dated 20-12-2019 of the Chief Secretariat (Agriculture), Puducherry.

Sl. No.	Season	State	Crop	District	Commune	Revenue Village	No. of CCE to be conducted
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
293	Rabi 2019-20	Puducherry	Black Gram	Karaikal	Karaikal	Dharmapuram	4
294	Rabi 2019-20	Puducherry	Black Gram	Karaikal	Karaikal	Kovilpathu	4
295	Rabi 2019-20	Puducherry	Black Gram	Karaikal	Karaikal	Thalatheru	4
296	Rabi 2019-20	Puducherry	Black Gram	Karaikal	Karaikal	Keezhakasakudy	4
297	Rabi 2019-20	Puducherry	Black Gram	Karaikal	Thirunallar	Sorakudy	4
298	Rabi 2019-20	Puducherry	Black Gram	Karaikal	Thirunallar	Subrayapuram	4
299	Rabi 2019-20	Puducherry	Black Gram	Karaikal	Thirunallar	Devamapuram	4
300	Rabi 2019-20	Puducherry	Black Gram	Karaikal	Thirunallar	Thirunallar	4
301	Rabi 2019-20	Puducherry	Green Gram	Karaikal	Karaikal	Dharmapuram	4
302	Rabi 2019-20	Puducherry	Green Gram	Karaikal	Karaikal	Kovilpathu	4
303	Rabi 2019-20	Puducherry	Green Gram	Karaikal	Karaikal	Thalatheru	4
304	Rabi 2019-20	Puducherry	Green Gram	Karaikal	Karaikal	Keezhakasakudy	4
305	Rabi 2019-20	Puducherry	Green Gram	Karaikal	Thirunallar	Sorakudy	4
306	Rabi 2019-20	Puducherry	Green Gram	Karaikal	Thirunallar	Subrayapuram	4
307	Rabi 2019-20	Puducherry	Green Gram	Karaikal	Thirunallar	Devamapuram	4
308	Rabi 2019-20	Puducherry	Green Gram	Karaikal	Thirunallar	Thirunallar	4

2. The other terms and conditions contained in the G.O. Ms. No. 29/Agri., dated 20-12-2019 of the Chief Secretariat (Agriculture), Puducherry remains unaltered.

(By order)

A. PUNITHAMARY
Under Secretary to Government (Agriculture).